

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: BABICH et al.  
Title: TECHNETIUM-AND RHENIUM-BIS (HETEROARYL)  
COMPLEXES, AND METHODS OF USE THEREOF  
Appl. No.: 10/589,405  
Filing Date: 08/11/2006  
Examiner: Jones, Dameron Levest  
Art Unit: 1618  
Confirmation 8331  
Number:

**SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

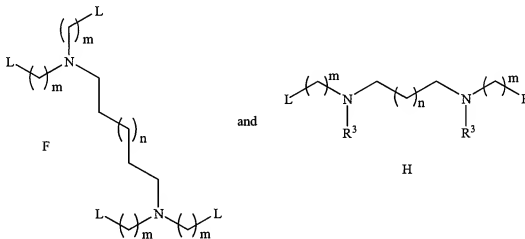
Dear Examiner Jones:

This communication is responsive to the Notice of Non-Responsive Amendment mailed June 18, 2010, and the Restriction Requirement set forth in the Office Action dated March 23, 2010, concerning the above-referenced patent application. The communication of June 18, 2010 set a one month period for reply, and accordingly Applicant believes this communication to be timely filed.

In the Notice of Non-Responsive Amendment, the Examiner asserts that the Applicant needs to select a single species for examination. Applicant assumes that this requirement is for the purposes of the Examiner's search. Below, Applicant first reiterates the election of the

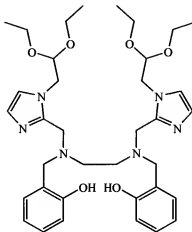
original Response of May 21, 2010, and then second elects a single species for the purposes of the search.

First, Applicant reiterates the election of Group III in response to the restriction requirement. Group III encompasses claims 58-95 and 133. The group is directed to compounds of Formula F and Formula H, which the Examiner identified as electable *species* in the original restriction requirement:



In response to the requirement for a species election, the Applicant initially elected the species of Formula H.

Second, Applicant further elects as a single species for the purposes of the search, the compound of Example 4:



This species reads on claims 74-80, 83-85, 88, and 133. This election is *only* for the purposes of the search, and once a generic claim is found allowable, Applicant believes that all species identified by the Examiner will be examined and proceed in the application together, and all claims dependent from the generic claim will proceed in the application together.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fees to Deposit Account No. 19-0741.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date June 30, 2010

By /Jeffrey R. Lomprey/

FOLEY & LARDNER LLP

Customer Number: **48329**

Telephone: (608) 258-4288

Facsimile: (608) 258-4258

Jeffrey R. Lomprey

Attorney for Applicant

Registration No. 55,401